



JC14 Rec'd PC 18 DEC 2001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Docket No. 042159-0117

Juan Alberto TORRES, Victor DEMJANENKO, and Frederic HIRZEL

RECEIVED

International (PCT)

04 JAN 2002

Application No. PCT/US99/17369

U.S. Application No. 09/744,790

Legal Staff

Filed: 30 July 1999

International Division

For: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION
TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEMS

TRANSMITTAL

Commissioner for Patents

Box PCT

Washington, D.C. 20231

Attn: Office of PCT Legal Administration

Sir:

We are transmitting herewith the attached:

RECEIVED
07 JAN 2002
Legal Staff
International Division

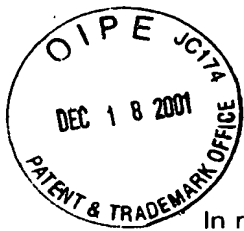
- ☒ Transmittal sheet in duplicate.
- ☒ Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) with enclosures.
- ☒ Transmittal Letter to the United States Designated/Elected Office 9DO/EO/US) Concerning A Filing Under 35 USC 371.
- ☒ Copy of Published International PCT application.
- ☒ Copy of International Search Report.
- ☒ Copy of International Preliminary Examination Report.
- ☒ Copy of Written Opinion.
- ☒ Copy of Notification of Abandonment.
- ☒ Copy of Petition to Withdraw Holding of Abandonment.
- ☒ Copy of Decision on Petition to Withdraw Holding of Abandonment.
- ☒ Check in the amount of \$640.00 for Petition Fee.
- ☒ Check in the amount of \$651.00 for Basic National Fee.
- ☒ Certificate of Mailing.
- ☒ Return receipt postcard.

Applicants claim small entity status pursuant to 37 C.F.R. § 1.27. Please charge any additional fees required or credit any overpayment to Deposit Account No 50-0872.
A duplicate of this sheet is enclosed.

Dated: December 6, 2001

FOLEY & LARDNER
2029 Century Park East - Suite 3500
Los Angeles, CA 90067-3021
1-310-277-2223 Office
1-310-557-8475 Fax

By: Ronald Coslick
Name: Ronald Coslick, Reg. No. 36,489
Attorney for Applicants



PCT Rec'd 18 DEC 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Docket No. 042159-0117

Juan Alberto TORRES, Victor DEMJANENKO, and Frederic HIRZEL

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International (PCT)

Application No. PCT/US99/17369

U.S. Application No. 09/744,790

04 JAN 2002

Legal staff
International Division

Filed: 30 July 1999

For: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION
TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEMS

CERTIFICATE OF MAILING

Commissioner of Patents and Trademarks
Box PCT
Washington, DC 20231

Attn: Office of PCT Legal Administration

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents and Trademarks, Box PCT, Washington D.C. 20231.

- ☒ Transmittal sheet in duplicate.
- ☒ Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) with enclosures.
- ☒ Transmittal Letter to the United States Designated/Elected Office 9DO/EO/US) Concerning A Filing Under 35 USC 371.
- ☒ Copy of Published International PCT application.
- ☒ Copy of International Search Report.
- ☒ Copy of International Preliminary Examination Report.
- ☒ Copy of Written Opinion.
- ☒ Copy of Notification of Abandonment.
- ☒ Copy of Petition to Withdraw Holding of Abandonment.
- ☒ Copy of Decision on Petition to Withdraw Holding of Abandonment.
- ☒ Check in the amount of \$640.00 for Petition Fee.
- ☒ Check in the amount of \$651.00 for Basic National Fee.
- ☒ Return receipt postcard.

Respectfully submitted,

December 6, 2001

Date

Ronald Coslick

Ronald Coslick

Reg. No. 36,489

FOLEY & LARDNER
2029 Century Park East, Suite 3500
Los Angeles, California 90067-3021
+ 1-310-277-2223 Office
+ 1-310-557-8475 Fax

04 JAN 2002

Legal Staff
International Division

PTO/PCT Rec'd 18 DEC 2001

FORM PTO-1390 (Modified) (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				042159-0117	
		U.S. APPLICATION NO. 09/744,790			
INTERNATIONAL APPLICATION NO. PCT/US99/17369		INTERNATIONAL FILING DATE 30 July 1999		PRIORITY DATE CLAIMED 30 July 1998	
TITLE OF INVENTION METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEMS					
APPLICANT(S) FOR DO/EO/US Juan Alberto TORRES, Victor DEMJANENKO, and Frederic HIRZEL					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1.	<input checked="" type="checkbox"/>	This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.			
2.	<input type="checkbox"/>	This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.			
3.	<input checked="" type="checkbox"/>	This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).			
4.	<input checked="" type="checkbox"/>	A proper Demand for International Preliminary Examination was made by the 19 th month from the earliest claimed priority date.			
5.	<input checked="" type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2))			
	<input type="checkbox"/>	is transmitted herewith (required only if not transmitted by the International Bureau).			
	<input type="checkbox"/>	has been transmitted by the International Bureau.			
	<input checked="" type="checkbox"/>	is not required, as the application was filed in the United States Receiving Office (RO/US)			
6.	<input type="checkbox"/>	A translation of the International Application into English (35 U.S.C. 371(c)(2)).			
7.	<input checked="" type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))			
	<input type="checkbox"/>	are transmitted herewith (required only if not transmitted by the International Bureau).			
	<input type="checkbox"/>	have been transmitted by the International Bureau.			
	<input type="checkbox"/>	have not been made; however, the time limit for making such amendments has NOT expired.			
	<input checked="" type="checkbox"/>	have been made and filed in the United States Receiving Office.			
8.	<input type="checkbox"/>	A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).			
9.	<input type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).			
10.	<input type="checkbox"/>	A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
11.	<input type="checkbox"/>	Applicant claims small entity status under 37 CFR 1.27 .			
Items 12. to 17. below concern other document(s) or information included:					
12.	<input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
13.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
14.	<input type="checkbox"/>	A FIRST preliminary amendment.			
	<input type="checkbox"/>	A SECOND or SUBSEQUENT preliminary amendment.			
15.	<input type="checkbox"/>	A substitute specification.			
16.	<input type="checkbox"/>	A change of power of attorney and/or address letter.			
17.	<input type="checkbox"/>	Other items or information: OTHER			

COPY

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) 09/744,790		INTERNATIONAL APPLICATION NO. PCT/US99/17369		ATTORNEY'S DOCKET NUMBER 042159-0117	
18. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	
Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO.....\$0.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$750.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))\$0.00					
Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO\$0.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$0.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$750.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 Months from the earliest claimed priority date (37 CFR 1.492(e))					
Claims	Number Filed	Included in Basic Fee	Extra Claims	Rate	
Total Claims	32	- 20	= 12	x \$18.00	\$216.00
Independent Claims	7	- 3	= 4	x \$84.00	\$336.00
Multiple dependent claim(s) (if applicable)				\$280.00	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$1302.00	
Reduction by 1/2 for filing by small entity, if applicable. Applicants claim small entity status pursuant to 37 C.F.R. § 1.27.				\$651.00	
SUBTOTAL =				\$651.00	
Processing fee of \$130.00 for furnishing English translation later the 20 months from the earliest claimed priority date (37 CFR 1.492(f). +					
TOTAL NATIONAL FEE =				\$651.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					
TOTAL FEES ENCLOSED =				\$651.00	
				Amount to be: refunded \$	
				charged \$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$651.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0872</u>. A duplicate copy of this sheet is enclosed.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Foley & Lardner 2029 Century Park East, Suite 3500 Los Angeles, California 90067-3021 Telephone: (310) 277-2223 Fax: (310) 557-8475</p>			<p style="text-align: center;"><i>Ronald Coslick</i> SIGNATURE</p> <p style="text-align: center;"><u>6 December 2001</u> NAME RONALD COSLICK</p> <p style="text-align: center;">REGISTRATION NUMBER 36,489</p>		



**PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE
U.S. ABANDONED UNINTENTIONALLY UNDER
37 CFR 1.137(b)**

Docket Number

042159-0117

RECEIVED

04 JAN 2002

Applicants: Juan Alberto TORRES, Victor DEMJANENKO,
and Frederic HIRZEL

Legal Staff
International Division

International (PCT) Application No.: PCT/US99/17369 **U.S. Application No.:** 09/744,790

Filed: 30 July 1999

Title: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR
CORRECTION TECHNIQUES IN DATA TRANSMISSION OVER
COMMUNICATIONS SYSTEMS

Commissioner of Patents and Trademarks
Box PCT
Washington, DC 20231

Attn: Office of PCT Legal Administration

12/28/2001 MNGUYEN 00000137 09744790

01 FC:241 ~~640.00.00~~ The above identified International Application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable).

**APPLICANTS HEREBY PETITION FOR REVIVAL OF INTERNATIONAL
APPLICATION PCT/US99/17369 TO ENABLE ENTRY INTO THE NATIONAL
STAGE IN THE UNITED STATES.**

1. Petition Fee

- ☒ Small entity fee \$640.00 (37 CFR 1.17(m))
☒ Applicants claim small entity status under 37 C.F.R. § 1.27.
☐ Small entity statement previously filed.
☐ Other than small entity – fee \$1,280.00 (37 CFR 1.17(m))

2. Proper Reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of:

the national filing fee; copy of the published international PCT application; copy of the international search report, copy of the

international preliminary examination report; copy of the written opinion (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

5. Explanation of reason for abandonment and subsequent actions

The undersigned attempted to file all papers necessary to perfect a National Stage filing in the United States claiming priority from International Application PCT/US99/17368 on 30 January 2001. The undersigned used one of his firm's deposit accounts (50-0872) to pay the fees required for the National Stage filing.

The undersigned thereafter received a Notification of Abandonment (attached hereto) dated 27 March 2001, stating that the National Stage filing failed to meet the requirements of 35 USC §371 for the reason that "Deposit Account Was Not Found."

The undersigned believed that the statement "Deposit Account Not Found" was intended to mean that the deposit account number given on the National Stage filing was not found to be a valid number. Because the undersigned knew that the deposit account existed and was fully funded, the undersigned believed the holding of abandonment to be mistaken. Accordingly, the undersigned filed a Petition to Withdraw Holding of Abandonment (attached hereto) dated 19 April 2001, providing evidence showing that deposit account number 50-0872 was in fact valid and contained sufficient funds to cover all fees due in connection with the National Stage filing at the time of the National Stage filing.

The undersigned thereafter received a Decision on the Petition to Withdraw Holding of Abandonment, dated 28 September 2001. The Decision clarified that the basis for abandonment was not that the deposit account number was invalid or insufficiently funded, but rather that the undersigned was

not listed among the persons authorized to use that deposit account. Accordingly, the Decision vacated the original Notification of Abandonment, and forwarded the file to the National Stage Processing Branch for preparation of a new Notification of Abandonment indicating the correct basis for the holding of abandonment. The undersigned is presently awaiting receipt of the new Notification of Abandonment.

The undersigned was not aware that he was not included on the authorization list of the deposit account used for the original National Stage filing. Accordingly, the undersigned did not become aware of the events resulting in the abandonment of the application until his receipt on 4 October 2001 of the aforementioned Decision. After confirming his authorization status and discussing the Decision with the PCT Legal Examiner, the undersigned commenced preparation of the present petition for revival, and is now submitting the same in due course. Thus, the undersigned respectfully requests revival of the International Application to enable entry of the National Stage in the United States.

The undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: December 6, 2001



Ronald Coslick, Reg. No. 36,489
Attorney for Applicants
FOLEY & LARDNER
2029 Century Park East, Suite 3500
Los Angeles, California 90067-3021
+ 1-310-277-2223 Office
+ 1-310-557-8475 Fax

- Enclosures: ☒ Petition fee (check in the amount of \$640.00).
☒ Reply, including national filing fee (check in the amount of \$651.00), copy of published international PCT application, copy of international search report, copy of international preliminary examination report + cited references, copy of written opinion.
☒ Copy of Notification of Abandonment.
☒ Copy of Petition to Withdraw Holding of Abandonment.
☒ Copy of Decision on Petition to Withdraw Holding of Abandonment.

EXHIBIT

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. National Phase Application: 09/744790
International Application No. PCT/US99/17369
International Priority Date: 30 July 1998
International Filing Date: 30 July 1999
For: Method & Apparatus for Design
Forward Correction Techniques
042159/0117
Attorney Docket No.
Mailing Date: 19 April 2001

RECEIPT IS HEREBY ACKNOWLEDGED FOR THE FOLLOWING:

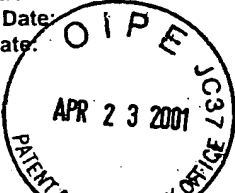
Petition To Withdraw Holding Of Abandonment 37 CFR §1.181(a)

Patent

RC:snac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. National Phase Application: 09/744790
International Application No. PCT/US99/17369
International Priority Date: 30 July 1998
International Filing Date: 30 July 1999
For: Method & Apparatus for Design
Forward Correction Techniques
042159/0117
Attorney Docket No.
Mailing Date: 19 April 2001



RECEIPT IS HEREBY ACKNOWLEDGED FOR THE FOLLOWING:

Petition To Withdraw Holding Of Abandonment 37 CFR §1.181(a)

Patent

RC:snac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 042159.0117

In re patent application of

Juan Alberto TORRES, Victor DEMJANENKO, and Frederic HIRZEL

International (PCT)

Application No. PCT/US99/17369

U.S. Application No. 09/744790

Filed: 30 July 1999

For: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION
TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEM

CERTIFICATE OF MAILING

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231


Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Box DAC, Washington D.C. 20231.

1. PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(a)
2. Return postcard

Respectfully submitted,

April 19, 2001
Date


Ronald Coslick
Reg. No. 36,489

FOLEY & LARDNER
2029 Century Park East, Suite 3500
Los Angeles, California 90067-3021
+1-310-277-2223 Office
+1-310-557-8475 Fax

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

Docket Number (Optional)
042159/0117

First Named Inventor: **Juan Alberto TORRES, Victor DEMJANENKO and Frederic HIRZEL**

International (PCT) Application No. **PCT/US99/17369** U.S. Application No. **09/744790**
(if known)

Filed: **30 July 1999**

Title: **METHOD AND APPARATUS FOR DESIGN FORWARD ERROR
CORRECTION TECHNIQUES IN DATA TRANSMISSION OVER
COMMUNICATIONS SYSTEM**

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(a)

Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Sir:

Applicant hereby petitions for withdrawal of the notice of abandonment mailed on 27 March 2001 in the matter identified above. The notice of abandonment should be withdrawn because the Patent and Trademark Office erroneously asserted that the deposit account number provided for payment of fees in this matter did not exist, when in fact the deposit account does exist and contained sufficient funds to cover the fees associated with this matter.

The relevant facts are as follows:

1) Applicant timely filed on 30 January 2001 documents authorizing payment of the fee for entry into the National Stage in the PCT application identified above. A copy of these documents is attached hereto as Exhibit A. These documents requested fees of \$609 to be charged to Deposit Account No. 50-0872.

2) Applicant received from the Patent and Trademark Office a notice dated 27 March 2001 advising that the application had been abandoned because the deposit account was not found. A copy of this notice is attached hereto as Exhibit B.

3) The holding of abandonment was in error, because applicant's representative law firm does in fact maintain a Deposit Account having the number 50-0872. Further, at all times during

the months of January, February and March 2001, this account contained no less than \$12,000, which is well in excess of the \$690 fee required in the present matter. Deposit Account statements for Deposit Account 50-0872 for the months of January, February and March 2001 are attached hereto as Exhibit C.


4) In view of the above facts, it is respectfully submitted that the holding of abandonment is in error, and the Commissioner is therefore petitioned to withdraw the holding of abandonment, to reinstate the application, and accept the payment of fees in this matter.

5) A fee of \$609 is due in this matter in connection with entry of the National Stage. The Commissioner is hereby authorized to charge Deposit Account No. 50-0872 in the amount of \$609 for this fee. A duplicate copy of this petition is therefore enclosed.

6) A fee of \$130 in accordance with 37 CFR §1.17(h) may be due with this petition. The Commissioner is hereby authorized to charge Deposit Account No. 50-0872 in the amount of \$130 for this petition if necessary. A duplicate copy of this petition is therefore enclosed. However, it is respectfully submitted that no fee is due since the circumstances necessitating this petition were the fault of the Patent and Trademark Office, and therefore that the fee of \$130 should not be charged.

7) I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: April 19, 2001



Ronald Coslick, Reg. No. 36,489

Agent for Applicants

FOLEY & LARDNER

2029 Century Park East, Suite 3500

Los Angeles, California 90067-3021

+1-310-277-2223 Office

+1-310-557-8475 Fax

PTO



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/744790	TORRES	J 042159/0117
INTERNATIONAL APPLICATION NO.		
PCT/US99/17369		
I.A. FILING DATE	PRIORITY DATE	
30 JUL 99	30 JUL 98	

FOLEY & LANDER
2029 CENTURY PARK EAST SUITE 3500
LOS ANGELES, CA 90067 3021

DATE MAILED: **27 MAR 2001**
RECEIVED

NOTIFICATION OF ABANDONMENT

04 JAN 2002

Legal Staff
International Division

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☐ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☒ Other.
DEPOSIT ACCOUNT WAS NOT FOUND

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

EXHIBIT

B

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Int'l App. No. PCT/US99/17369

Applicants: Juan A. Torres, et al.

For: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR

Int'l Filing Date: 30 July 1999

Docket No. 042159/0117

U.S. EXPRESS MAIL LABEL NO. EL639070777US on ~~July 30, 1999~~ Jan 30, 2001

- ☒ Transmittal Letter to the United States Designated/Elected Office 9DO/EO/US) Concerning A Filing Under 35 USC 371
- ☒ Certificate of Mailing
- ☒ Return Postcard

Patent

RC:snac

JC06 Rec'd PCT/PTO 30 JAN 2001

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Int'l App. No. PCT/US99/17369

Applicants: Juan A. Torres, et al.

For: METHOD AND APPARATUS FOR DESIGN FORWARD ERROR

Int'l Filing Date: 30 July 1999

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- ☒ Certificate of Mailing
- ☒ Return Postcard

Patent

RC:snac

09/744790

Tel. No.:

POST OFFICE TO ADDRESSEE



UNITED STATES POSTAL SERVICE™



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Mailing Label
Label 11-F July 1997

12/1 20

FO:

WAVES OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. If delivery is to be made without obtaining signature of addressee or addressee's agent, (i) delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday ☐ Customer Signature

TO: (PLEASE PRINT) PHONE

Box PCT
Attn: PCT Legal Staff
Asst. Comm. for Patents
WASHINGTON DC 20231

FROM: (PLEASE PRINT) PHONE 310 1277-2223

RONALD COSLUK
FOLEY & LARDNER
2029 CENTURY PARK E STE 3500
LOS ANGELES CA 90067-3021

L-042159-0117 RCISA

FOR PICKUP OR TRACKING CALL 1-800-222-1811 WWW.USPS.GOV

I wish delivery to be made without obtaining signature of addressee or addressee's agent, (i) delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday ☐ Customer Signature

TO: (PLEASE PRINT) PHONE

Box PCT
Attn: PCT Legal Staff
Asst. Comm. for Patents
WASHINGTON DC 20231

FROM: (PLEASE PRINT) PHONE 310 1277-2223

RONALD COSLUK
FOLEY & LARDNER
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LOS ANGELES CA 90067-3021

L-042159-0117 RCISA

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application No. (if known, see 37 CFR 1.5) **Unknown**
International Application No. **PCT/US99/17369**
International Filing Date: **30 July 1999**
Priority Date Claimed: **30 July 1998**
Title of Invention **METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEM**
Applicant(s) for DO/EO/US **Juan Alberto TORRES, Victor DEMJANENKO and Frederic HIRZEL**

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL639070777US

Date of Deposit: January 30, 2001

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to ATTENTION PCT LEGAL STAFF, BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

By: _____

Sandra A Costa
Sandra A+Costa

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 USC 371
- ☒ Certificate of Mailing
- ☒ Return Postcard


Please charge any additional fees associated with this transmittal, or credit overpayment to Deposit Account No. 50-0872. A duplicate of this sheet is enclosed.

FOLEY & LARDNER
2029 Century Park East, 35th Floor
Los Angeles, CA 90067-3021
1-310-277-2223 Office
1-310-557-8475 Fax

By: _____

Ronald Coslick
Name: Ron Coslick
Reg. No. 36,489
RC:sna

FORM PTO-1390 (Modified) (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 042159/0117
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			
		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) *	
INTERNATIONAL APPLICATION NO. PCT/US99/17369	INTERNATIONAL FILING DATE 30 July 1999	PRIORITY DATE CLAIMED 30 July 1998	
TITLE OF INVENTION METHOD AND APPARATUS FOR DESIGN FORWARD ERROR CORRECTION TECHNIQUES IN DATA TRANSMISSION OVER COMMUNICATIONS SYSTEM			
APPLICANT(S) FOR DO/EO/US Juan Alberto TORRES, Victor DEMJANENKO and Frederic HIRZEL			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> has been transmitted by the International Bureau. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have been made and filed in the United States Receiving Office. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 			
Items 11. to 16. below concern other document(s) or information included:			
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input type="checkbox"/> Other items or information: Copy of International Search Report (2 pages) 			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) Unknown			INTERNATIONAL APPLICATION NO. PCT/US99/17369			ATTORNEY'S DOCKET NUMBER 042159/0117			
17. <input checked="" type="checkbox"/> The following fees are submitted:						CALCULATIONS		PTO USE ONLY	
Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO \$0.00									
International preliminary examination fee paid to USPTO (37 CFR 1.482)..... \$690.00									
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$0.00									
Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$0.00									
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$0.00									
ENTER APPROPRIATE BASIC FEE AMOUNT =						\$690.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 Months from the earliest claimed priority date (37 CFR 1.492(e))									
Claims	Number Filed		Included in Basic Fee		Extra Claims		Rate		
Total Claims	32	-	20	=	12	x	\$18.00	\$216.00	
Independent Claims	7	-	3	=	4	x	\$78.00	\$312.00	
Multiple dependent claim(s) (if applicable)						\$260.00		\$0.00	
TOTAL OF ABOVE CALCULATIONS =								\$1218.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).								\$609.00	
SUBTOTAL =								\$609.00	
Processing fee of \$130.00 for furnishing English translation later the 20 months from the earliest claimed priority date (37 CFR 1.492(f). +									
TOTAL NATIONAL FEE =								\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +									
TOTAL FEES ENCLOSED =								\$609.00	
								Amount to be: refunded \$	
								charged \$	
a. <input type="checkbox"/> A check in the amount of \$00 to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-0872</u> in the amount of \$609.00 to the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0872</u> . A duplicate copy of this sheet is enclosed.									
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.									
SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between;"> <div> Foley & Lardner 2029 Century Park East, Suite 3500 Los Angeles, California 90067-3021 Telephone: (310) 975-7963 </div> <div> SIGNATURE  NAME RONALD COSLICK REGISTRATION NUMBER 36,489 </div> </div>									

EXHIBIT

C



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Page**Deposit Account Statement**

Requested Statement Month: January 2001
Deposit Account Number: 500872
Name: FOLEY & LARDNER- SAN DIEGO
Attention: VIRGINIA I CUSHMAN
Address: 402 WEST BROADWAY
City: SAN DIEGO
State: CA
Zip: 92101

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/05	11	PCT/US00/32302		704	-\$250.00	\$23,301.00
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01/12	73	76191623	999100/0301	361	\$975.00	\$20,761.00
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01/31 45	360745	567	\$30.00	\$22,163.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$23,051.00	\$8,510.00	\$7,622.00	\$22,163.00

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Page**Deposit Account Statement**

Requested Statement Month: February 2001
Deposit Account Number: 500872
Name: FOLEY & LARDNER- SAN DIEGO
Attention: VIRGINIA I CUSHMAN
Address: 402 WEST BROADWAY
City: SAN DIEGO
State: CA
Zip: 92101

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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02/08	50	09729129		704	-\$134.00	\$22,348.00
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02/22 67	09676519	030758.0005. 202	\$40.00	\$17,500.00
02/22 68	09676519	030758.0005. 203	\$234.00	\$17,266.00
02/22 69	09676519	030758.0005. 205	\$65.00	\$17,201.00
02/23 39	09779396	QUANT1280 101	-\$710.00	\$17,911.00
02/23 40	09779396	QUANT1280 103	-\$270.00	\$18,181.00
02/23 41	09779396	QUANT1280 105	-\$130.00	\$18,311.00
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START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$22,163.00	\$6,187.00	\$2,436.00	\$18,412.00

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Page**Deposit Account Statement**

Requested Statement Month: March 2001
Deposit Account Number: 500872
Name: FOLEY & LARDNER- SAN DIEGO
Attention: VIRGINIA I CUSHMAN
Address: 402 WEST BROADWAY
City: SAN DIEGO
State: CA
Zip: 92101

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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03/13	13	378690		566	\$15.00	\$16,837.00
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03/26	28	08420306	PD-4198	241	\$620.00	\$15,102.00
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03/27	48	60278155	028040-0100	114	\$150.00	\$14,832.00
03/28	21	384164		566	\$15.00	\$14,817.00
03/28	569	PCT/US01/09559	IMMUS1150WO	150	\$240.00	\$14,577.00
03/28	570	PCT/US01/09559	IMMUS1150WO	802	\$846.00	\$13,731.00
03/28	571	PCT/US01/09559	IMMUS1150WO	800	\$382.00	\$13,349.00
03/28	572	PCT/US01/09559	IMMUS1150WO	801	\$648.00	\$12,701.00
03/28	573	PCT/US01/09559	IMMUS1150WO	899	\$492.00	\$12,209.00
03/28	574	PCT/US01/09559	IMMUS1150WO	566	\$15.00	\$12,194.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$18,412.00	\$6,278.00	\$60.00	\$12,194.00



SEP 28 2001

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WASHINGTON, D.C. 20231
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Foley & Lardner
2029 Century Park East Suite 3500
Los Angeles, CA 90067-3021

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04 JAN 2002

Legal Coun.
International Division

In re Application of
TORRES et al.
Application No.: 09/744,790
PCT No.: PCT/US99/17369
Int. Filing Date: 30 July 1999
Priority Date: 30 July 1998
Attorney Docket No.: 042159/0117
For: METHOD AND APPARATUS ...
COMMUNICATIONS SYSTEM

DECISION

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181(a)" filed 23 April 2001.

BACKGROUND

On 30 July 1999, applicants filed international application PCT/US99/17369, which claimed a priority date of 30 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2001.

On 30 January 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. basic national fee to Deposit Account No. 50-0872.

On 27 March 2001, the USPTO mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America because the Deposit Account was not found.

On 23 April 2001, applicants submitted the instant "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181(a)".

DISCUSSION

The petition filed 23 April 2001 requests that the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 be withdrawn because a Deposit Account having Deposit Account Number 50-0872 is maintained and had sufficient funds at all times during the months of January, February and March. Applicants have provided a Deposit Account Statement from the USPTO for Deposit Account Number 50-0872 for the months of January, February and March. These statements show that this Deposit Account did include sufficient funds. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 is hereby vacated. However, this Deposit Account does not list Ronald Coslick, the attorney signing the Transmittal Letter containing the Deposit Account authorization, as an authorized user. Nor is the firm itself listed as an authorized user. Thus, the application is abandoned as to the United States of America for failure to pay the basic national fee by thirty months. An authorized user of the Deposit Account was not listed in the Transmittal Letter filed 30 January 2001.

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 27 March 2001 is hereby VACATED.

For the reasons set forth above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

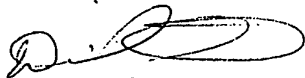
Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required.

Alternatively, applicants may wish to consider filing a petition under 37 CFR 1.137 to revive the application.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for preparation and mailing of a new NOTIFICATION OF

ABANDONMENT (Form PCT/DO/EO/909) indicating that the U.S. basic national fee has not been paid and that the user of the deposit account is not listed as an authorized user.



Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459